

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 22, 2018
Time of Incident:	4:30 PM
Location of Incident:	[REDACTED] Rd., Chicago, IL 60623
Date of COPA Notification:	May 24, 2018
Time of COPA Notification:	3:30 PM

On May 22, 2018, in the rear of [REDACTED] Road, at approximately 4:30 PM, complainant [REDACTED] was stopped for a narcotics investigation by Police Officers [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] and [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] It is alleged that Officers [REDACTED] and [REDACTED] improperly detained and improperly searched [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED]. [REDACTED] Star # [REDACTED] Employee ID# [REDACTED], Date of Appointment: [REDACTED] Rank: Police Officer, Unit of Assignment: 10 th District, DOB: [REDACTED], Male, White
Involved Officer #2:	[REDACTED]. [REDACTED] Star # [REDACTED], Employee ID# [REDACTED], Date of Appointment: [REDACTED], Rank: Police Officer, Unit of Assignment: 10 th District, DOB: [REDACTED], Male, White Hispanic
Involved Officer #3	[REDACTED] Star # [REDACTED] Employee ID# [REDACTED], Date of Appointment: [REDACTED], Rank: Police Officer, Unit of Assignment: 10 th District, DOB: [REDACTED], Male, White
Involved Individual #1:	[REDACTED], White Hispanic, Male

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<p>1. It is alleged that on or about May 24, 2018, in the alley the rear of [REDACTED] [REDACTED] Road, at approximately 4:30 PM, Officer [REDACTED] improperly detained [REDACTED] in violation of Rules 2 and 8.</p> <p>2. It is alleged that on or about May 24, 2018, in the alley the rear of [REDACTED] [REDACTED] Road, at approximately 4:30 PM, Officer [REDACTED] conducted an improper search of [REDACTED] in violation of Rules 2 and 8.</p>	Exonerated
		Exonerated

IV. APPLICABLE RULES AND LAWS

Rules

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Special Orders

S04-13-9: Investigatory Stop System

Federal Laws

4th Amendment, U.S. Constitution

V. INVESTIGATION¹

a. Interviews

On May 24, 2018, complainant [REDACTED] [REDACTED] gave COPA an audio recorded interview. [REDACTED] stated on May 22, 2018, between 7:15 PM and 7:20 PM, he and his partner [REDACTED] ([REDACTED] were walking west in the alley near Roosevelt Road and

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

Troy Ave. [REDACTED] stated he went into the alley to urinate and walk with [REDACTED] to catch the bus. [REDACTED] stated while he and [REDACTED] were walking in the alley, plainclothes CPD officers in unmarked vehicles drove up behind them. [REDACTED] stated [REDACTED] noticed the officers and mentioned to him that she saw them. [REDACTED] stated he said to [REDACTED] "so what, they can't do nothing to us, we didn't do anything."² [REDACTED] stated an officer, identified as Police Officer [REDACTED] ("Officer [REDACTED] apparently upset with his statement, stopped and exited the police vehicle grabbing him. [REDACTED] stated while being put against the police vehicle, he told Officer [REDACTED] "I do not consent to any illegal search and seizure."³ [REDACTED] stated Officer [REDACTED] replied, "it's not illegal, you're under arrest."⁴ [REDACTED] stated he asked Officer [REDACTED] why he was under arrest. [REDACTED] stated Officer [REDACTED] replied, "for that bag you threw."⁵ [REDACTED] stated he told Officer [REDACTED] he did not throw a bag. [REDACTED] stated Officer [REDACTED] walked down the alley, retrieving a bag and examined its contents. [REDACTED] stated the bag Officer [REDACTED] was looking at was clear and had nothing in it. [REDACTED] stated that Police Officer [REDACTED] ("Officer [REDACTED] then arrested him. [REDACTED] stated he was transported to the 10th District.

[REDACTED] stated he believed Officer [REDACTED] stopped him because of what he said. [REDACTED] stated he had not committed any crime and was walking in the alley with [REDACTED] stated the officers needed reasonable suspicion that he was committing a crime, in the process of committing, or had committed a crime to stop him. [REDACTED] stated Officer [REDACTED] and another officer, identified as Police Officer [REDACTED] ("Officer [REDACTED] were with Officer [REDACTED] [REDACTED] stated he was not concerned with Officer [REDACTED] and Officer [REDACTED] because they were only following the lead of Officer [REDACTED] [REDACTED] stated [REDACTED] video recorded the event on her phone.⁶

On June 26, 2018, **civilian witness** [REDACTED] [REDACTED] gave COPA an audio recorded interview. [REDACTED] stated that on May 22, 2018, she and complainant [REDACTED] were walking west on Roosevelt from California. [REDACTED] stated they entered an alley for [REDACTED] to urinate. [REDACTED] stated shortly thereafter, an unmarked vehicle with three plainclothes CPD officers, identified as Officers [REDACTED] and [REDACTED] was driving behind her and [REDACTED] [REDACTED] stated the officers exited their vehicle and grabbed [REDACTED] stated an officer, identified as Officer [REDACTED] walked approximately fifteen to twenty-five feet behind the unmarked vehicle to pick up a baggie from the ground. [REDACTED] stated Officer [REDACTED] then tapped the baggie to examine its contents. [REDACTED] stated Officer [REDACTED] said the baggie belonged to [REDACTED] [REDACTED] stated [REDACTED] was arrested and transported by a squadrol to the 10th District. [REDACTED] stated she video-taped the incident on her phone.⁷

² Attachment 5 at 6:50

³ Id at 7:15

⁴ Id at 7:24

⁵ Id at 7:29

⁶ Attachment 5

⁷ Attachment 27

On October 12, 2018, witness Officer [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] gave COPA an audio recorded interview. Officer [REDACTED] stated that on the date, time and location relative to this incident, he and the other officers were driving in the T-alley around Roosevelt and Troy. Officer [REDACTED] stated the area is known as a high narcotics activity area where people go to purchase drugs. Officer [REDACTED] stated as the officers were driving through the alley, they observed [REDACTED] walking with a female, identified as [REDACTED]. As he made eye contact with the officers, Officer [REDACTED] stated that he saw [REDACTED] with something in his hands. Officer [REDACTED] stated [REDACTED] immediately turned around, made a motion with his hand, and with his right hand threw something on the ground. Officer [REDACTED] stated based on his experience that what [REDACTED] threw on the ground was similar to narcotics packaging, the officers approached him to conduct a field interview. Officer [REDACTED] stated as the officers approached [REDACTED] he said to [REDACTED] "Fuck them, they ain't gonna do nothing."⁸ Officer [REDACTED] stated [REDACTED] was detained to conduct a narcotics investigation. Officer [REDACTED] stated Officer [REDACTED] went to the location where [REDACTED] had tossed the baggie and recovered the suspected narcotics. Officer [REDACTED] stated [REDACTED] was then placed in custody and a custodial search performed. Officer [REDACTED] stated he did not conduct a pat down or any other search of [REDACTED] prior to his arrest. Officer [REDACTED] stated after [REDACTED] was under arrest, he patted [REDACTED] sleeve to make sure he did not have any contraband or weapons.⁹

On October 12, 2018, witness Officer [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] gave COPA an audio recorded interview. Officer [REDACTED] stated that on the date, time and location relative to this incident, he and the other officers were driving in the alley around Roosevelt and Troy. Officer [REDACTED] stated the area is a known high-volume narcotics trafficking location where the tactical team has made many arrests. Officer [REDACTED] stated he was driving with Officers [REDACTED] and [REDACTED] to observe the traffic for potential buyers in the area. Officer [REDACTED] stated he observed [REDACTED] exit an alley that is used by prospective buyers for entry or exit to purchase narcotics. Officer [REDACTED] stated [REDACTED] was walking southbound in the alley. Officer [REDACTED] stated as [REDACTED] was approaching the T-alley, he looked in the direction of the officers in the unmarked CPD vehicle. Officer [REDACTED] stated [REDACTED] turned immediately away from the officers, blocking their view, bringing his hands to the front of his body. Officer [REDACTED] stated [REDACTED] then threw an item consistent with narcotics packaging to his right side where it landed on the ground. Officer [REDACTED] stated this indicated to him that [REDACTED] possibly purchased narcotics and that a field investigation was warranted. Officer [REDACTED] stated as the officers approached [REDACTED] to conduct a stop, he looked into their vehicle and said to [REDACTED] "Fuck them they ain't gonna do shit."¹⁰ Officer [REDACTED] stated the officers exited the vehicle and detained [REDACTED]. Officer [REDACTED] stated Officer [REDACTED] went to the location and recovered the suspected narcotics [REDACTED] tossed. Officer [REDACTED] stated Officer [REDACTED] then walked back to where he and Officer [REDACTED] were investigating [REDACTED] alerting them he recovered suspected heroin. Officer [REDACTED] stated [REDACTED] was then arrested. Officer [REDACTED] stated

⁸ Attachment 29 at 8:40

⁹ Attachment 29

¹⁰ Attachment 30 at 8:14

at that point, a custodial search of [REDACTED] was conducted for the presence of contraband and/or weapons. Officer [REDACTED] stated [REDACTED] was transported by another unit to the 10th District.¹¹

On October 12, 2018, accused Officer [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] 10th District, gave COPA an audio recorded interview. Officer [REDACTED] stated on May 22, 2018, between 7:00 PM and 7:30 PM, he was working with Officer [REDACTED] and Officer [REDACTED] as a member of a three-man tactical team unit. Officer [REDACTED] stated he and the other officers were wearing plainclothes and riding in an unmarked CPD vehicle. Officer [REDACTED] stated the team was proceeding westbound in the alley north of Roosevelt between Albany and Troy. Officer [REDACTED] stated that area is known for drug activity with a known narcotics sales location in the alley behind the 1100 block of S. Troy which intersects the alley north of Roosevelt between Albany and Troy. Officer [REDACTED] stated while riding as the front seat passenger, he observed [REDACTED] on foot exiting the alley behind in a southbound direction approaching the unmarked CPD vehicle. Officer [REDACTED] stated as [REDACTED] saw the unmarked CPD vehicle, he immediately turned around facing away from the vehicle, brought his hands to his body and with his right hand threw a baggie consistent with narcotics packaging onto the ground, resulting in a white plume of smoke. Officer [REDACTED] stated the unmarked CPD vehicle was approximately ten to fifteen feet away from the point where [REDACTED] was standing when he tossed the baggie to the ground. As the unmarked vehicle got closer, Officer [REDACTED] stated he told [REDACTED] to stop. Officer [REDACTED] stated that [REDACTED] was non-compliant. Officer [REDACTED] stated he activated his body-worn camera and exited the vehicle to stop and detain [REDACTED]. Officer [REDACTED] stated he walked [REDACTED] to the front of the unmarked CPD vehicle. Officer [REDACTED] stated he then walked to the exact area where he saw [REDACTED] discard the baggie. Officer [REDACTED] stated he recovered a baggie containing a white powdery substance which he suspected to be heroin. Officer [REDACTED] stated he then walked back to the unmarked CPD vehicle where [REDACTED] was being detained. Officer [REDACTED] stated upon recovering the suspected narcotics, [REDACTED] was placed under arrest.

Officer [REDACTED] stated he performed an immediate custodial search of [REDACTED] at the location of the stop and detainment. Officer [REDACTED] stated he looked through the pockets and bookbag of [REDACTED]. Officer [REDACTED] stated [REDACTED] was asked if he had any identification. Officer [REDACTED] stated [REDACTED] refused to provide any. Officer [REDACTED] stated prior to handcuffing [REDACTED] he did a search of his pockets and waistline for the presence of contraband. Officer [REDACTED] stated while not entirely sure, he believed after [REDACTED] was handcuffed that a custodial search was performed on lower pants legs and immediate sock area. Officer [REDACTED] stated according to CPD General Orders, [REDACTED] was under arrest and that a custodial search is required. Officer [REDACTED] stated it is his responsibility to ensure that [REDACTED] is secure and safe and does not bring any contraband into the 10th District facility, prior to being placed in a transport unit, that potentially could harm other police officers, detainees, or other persons.¹²

¹¹ Attachment 30

¹² Attachment 28

b. Digital Evidence

The **Body Worn Camera (“BWC”)** video of Officer [REDACTED] on May 22, 2018, shows his interaction with [REDACTED]. Specifically, the BWC video records the admission of [REDACTED] to Officer [REDACTED] that he had suspected narcotics on his person and that it was thrown to avoid detection by the police officers.¹³

The **BWC video** of Officer [REDACTED] on May 22, 2018, shows his interaction with [REDACTED].¹⁴

The **video recording** taken by [REDACTED] on her cell phone on May 22, 2018, corroborates the depiction of events as shown on the BWC video of Officer [REDACTED] and Officer [REDACTED].¹⁵

c. Documentary Evidence

A CPD Arrest Report states that on May 22, 2018, at approximately 7:11 PM, near 3124 W. Roosevelt Rd., 10th District Tactical Unit Officers [REDACTED] and [REDACTED] arrested complainant [REDACTED] for possession of a suspected controlled substance. [REDACTED] was transported by Beat [REDACTED] to the 10th District.¹⁶

1. ANALYSIS

The body worn camera video from Officer [REDACTED] and Officer [REDACTED] indicate that the stop and detainment of complainant [REDACTED] they made with Officer [REDACTED] was in accordance with CPD policy. Specifically, the officers had reasonable articulable suspicion to stop and investigate [REDACTED]. Based upon the officers’ collective knowledge of the area they were patrolling, that [REDACTED] was walking in the alley coming from a known narcotics sales location, and that upon observing their approach he turned away and quickly discarded an item similar to narcotics packaging to avoid its detection on his person, created reasonable articulable suspicion to stop and investigate [REDACTED]. Indeed, [REDACTED] own admission on Officer [REDACTED] body worn camera of knowingly discarding the suspected narcotics to avoid its detection, coupled with the corroboration of events described by the officers on witness [REDACTED] phone recorded video, solidify the officers’ assertions for the detention, search and arrest of complainant [REDACTED]. As such, Officer [REDACTED] is exonerated if the allegations against him.

2. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

¹³ Attachment 25 at 5:17

¹⁴ Attachment 26

¹⁵ Attachment 27

¹⁶ Attachment 6

¹⁷ Special Order 04-13-09, Investigatory Stop System

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	<ol style="list-style-type: none">1. It is alleged that on or about May 24, 2018, in the alley the rear of [REDACTED] Road, at approximately 4:30 PM, Officer [REDACTED] improperly detained [REDACTED] in violation of Rules 2 and 8.	Exonerated
	<ol style="list-style-type: none">2. It is alleged that on or about May 24, 2018, in the alley the rear of [REDACTED] Road, at approximately 4:30 PM, Officer [REDACTED] conducted an improper search of [REDACTED] in violation of Rules 2 and 8.	Exonerated

Approved:

[REDACTED]
Deputy Chief Administrator – Chief Investigator

[REDACTED]
Date

Appendix A

Assigned Investigative Staff

Squad#:	10
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]